

DETAILED ACTION

Status of Claims

1. Claims 1-27 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-27 are rejected under 35 U.S.C. 101 for nonstatutory subject matter. The computer system must set forth a practical application of § 101 judicial exception to produce a real-world result. *Benson*, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical application. The "merging the second session with the first runtime of the first session to create a second runtime" is not a result that has been outputted.

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible, and concrete, but rather that the final result achieved by the claimed invention is useful, tangible and concrete. If the claim is directed to a practical application of the § 101 judicial exceptions producing a result tied to the physical

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world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S. C. § 101.

The " method for building a session" does not necessarily produce a practical application.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing - article) or
- 2) have the Final Result (not the steps) achieve or produce a useful (specific, substantial and credible), concrete (substantially repeatable / non unpredictable), and tangible (real world / non abstract) result
(tangibility is the opposite of abstractness).

A claim that is so broad that it reads on both statutory and non-statutory subject matter must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended. Such is "receiving a first session; creating a first runtime of the first session; receiving a second session."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (USPN 2003/0058277, referred to as **Bowman**).

Claim 1:

Bowman teaches a method, comprising:

receiving a first session (**Bowman**, ¶ 1203: Opening a communications session);

creating a first runtime of the first session (**Bowman**, ¶ 0748: loaded into the client device's memory at runtime);

receiving a second session (**Bowman**, ¶ 1203: Opening a communications session); and

merging the second session with the first runtime of the first session to create a second runtime (**Bowman**, ¶ 0748: loaded into the client device's memory at runtime; **EN**: 'runtime' includes first, second or third; especially since the applicant has not made any clear distinction between the sessions).

Bowman does not explicitly teach building a session. However, it would be obvious to one of ordinary skill in the art to have modified Bowman's invention with building a session, for the benefit of session management.

Claim 2:

Bowman teaches the method of claim 1, further comprising:

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receiving an updated second session (**Bowman**, ¶ 1850: transactions are updated); and

merging the updated second session with the first runtime of the first session to create a third runtime (**Bowman**, ¶ 0643: merging of application data).

Claim 3, 9:

Bowman teaches the method of claim 1, wherein the merging step comprises joining the first and second sessions at tests common to both sessions (**Bowman**, ¶ 0933: create a common view of services).

Claim 4, 10:

Bowman teaches the method of claim 1, wherein the merging step comprises computing weights on navigation paths in the second runtime to optimize navigation during execution of the second runtime (**Bowman**, ¶ 4514: sort weights).

Claim 5:

Bowman teaches the method of claim 1, wherein the step of creating a first runtime comprises establishing first weights associated with the navigation of the first session (**Bowman**, ¶ 4585: as part of navigation).

Claim 6, 11

Bowman teaches the method of claim 5, wherein the step of merging the first runtime with the second session comprises combining the first weights with second weights associated with the navigation of the second session (**Bowman**, ¶ 4585: as part of navigation).

Claim 7, 12:

Bowman teaches the method of claim 1, further comprising the step of selecting a best route of navigation of the second runtime based on weights associated with tests in the second runtime (**Bowman**, ¶ 0680: route and track forms).

Claim 8:

Bowman teaches a method, comprising:

receiving a first runtime of a first session (**Bowman**, ¶ 1203: Opening a communications session);

authoring a second session (**Bowman**, ¶ 0705: Web page authoring); and

merging the second session with the first runtime of the first session to create a second runtime (**Bowman**, ¶ 0643: merging of application data).

Bowman does not explicitly teach building a session. However, it would be obvious to one of ordinary skill in the art to have modified Bowman's invention with building a session, for the benefit of session management.

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Claim 13, 14:

Bowman teaches the method of claim 1, further comprising associating types of analysis with different entry points in the second runtime (**Bowman**, ¶ 0822: key pad entry; ¶ 1475: analysis of biological characteristics).

Claim 15:

Bowman teaches the method of claim 8, wherein the step of authoring the second session comprises organizing analytic assets in a hierarchy (**Bowman**, ¶ 2082: module hierarchy).

Claim 16:

Bowman teaches the method of claim 8, wherein the step of authoring the second session comprises:

assigning a unique identifier to the second session (**Bowman**, ¶ 3131: an identifier for the abstract interface); and

creating a directed acyclic graph of at least one test (**Bowman**, ¶ 0069: an object interaction graph).

Claim 17:

Bowman teaches the method of claim 16, wherein the step of creating a graph comprises assigning navigation weights between at least two tests (**Bowman**, ¶ 0792: typical benchmark tests).

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Claim 18:

Bowman teaches the method of claim 17, wherein the weights are assigned according to one or more of the following factors:

material costs; labor costs; engineering feedback regarding system or component operation; and historic feedback of actual system or component operation (**Bowman**, ¶ 0788-0794: developer costs; maintenance costs; ¶ 3036: receiving feedback).

Claim 19:

Bowman teaches the method of claim 16, further comprising: authoring the at least one test to include a unique identifier (**Bowman**, ¶ 3131: an identifier for the abstract interface) and an agent (**Bowman**, ¶ 1896: software agents).

Claim 20:

Bowman teaches the method of claim 19, further comprising: authoring the agent to include a unique identifier and a graph of beans (**Bowman**, ¶ 1896-1960: software agents; JavaBeans).

Claim 21:

Bowman teaches the method of claim 19, further comprising:

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authoring the agent to include a unique identifier and a graph of rulesets defining an analytic workflow (**Bowman**, ¶ 1896: software agents; ¶ 0140: rules to be applied).

Claim 22:

Bowman teaches the method of claim 20, wherein at least one of said beans comprises a unique identifier, and software or machinery that is configured to perform data analysis or to process data for analysis (**Bowman**, ¶ 2180: workload analysis).

Claim 23:

Bowman teaches the method of claim 21, further comprising:

authoring the ruleset to include a unique identifier (**Bowman**, ¶ 2066: requester ID), a collection of rules able to be executed to perform analysis (**Bowman**, ¶ 2214: Business Logic; business rules and procedures), and supporting statements that define access to data in support of the analysis (**Bowman**, ¶ 2214: Data Abstraction).

Claim 24:

Bowman teaches the method of claim 21, wherein at least one of said rules comprises an optional unique identifier, and a statement to enable analysis to be performed (**Bowman**, ¶ 2066: uniquely identify the report).

Claim 25:

Bowman teaches the method of claim 8, wherein the step of authoring the second session includes associating the second session with one or more analysis types defining the kind of analysis performed by the second session (**Bowman**, ¶ 2201: types of workflow, production, collaborative, and ad hoc).

Claim 26:

Bowman teaches the method of claim 1, further comprising associating the second runtime with one or more analysis data and analysis types defined by the first and second sessions (**Bowman**, ¶ 4137: associating a User Context instance).

Claim 27

Bowman teaches the method of claim 15, further comprising querying said analytic assets to understand their intent, purpose and analytic function to promote reuse when authoring other analytic assets (**Bowman**, ¶ 3952: querying the Assertion class for its state).

Examinations Considerations

5. Examiner's Notes (**EN**) are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application

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of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

6. Examiner has cited particular columns and line numbers (or paragraphs) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

Conclusion

7. Claims 1-27 are rejected.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Elias, USPN 2005/0288981, cited for automated assistance technology.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KALPANA BHARADWAJ whose telephone number is (571)270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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